

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Abdul S. Covington,

Plaintiff,

V.

Mr. Scott; J. Powell; and O.
Machado,

Defendants.

C/A No.: 1:24-5512-JFA-SVH

REPORT AND RECOMMENDATION

Abdul S. Covington (“Plaintiff”), proceeding pro se, filed this action on September 30, 2024, against defendants Mr. Scott, J. Powell, and O. Machado. [ECF No. 1]. On October 4, 2024, the undersigned issued an order authorizing service. [ECF No. 7].

On October 18, 2024, the undersigned's order was returned as undeliverable. [ECF No. 11]. The returned envelope states "Return to Sender, Not Deliverable as Addressed, Unable to Forward." *Id.* The envelope has handwriting notation "not in jail." *Id.* The order contained in the returned mail warned Plaintiff:

You are ordered to always keep the Clerk of Court advised in writing (United States District Court, 901 Richland Street, Columbia, South Carolina 29201) if your address changes for any reason, so as to assure that orders or other matters that specify deadlines for you to meet will be received by you. If as a result of your failure to comply with this order, you fail to meet a deadline set by this court, your case may be dismissed for violating this

order. Therefore, if you have a change of address before this case is ended, you must comply with this order by immediately advising the Clerk of Court in writing of such change of address and providing the court with the docket number of all pending cases you have filed with this court. Your failure to do so will not be excused by the court.

[ECF No. 7].¹ Plaintiff has failed to keep the court apprised of his address, and as a result, neither the court nor the defendants have any means of contacting him concerning his case. As such, it appears to the court that he wishes to abandon this action.

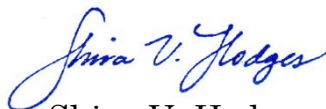
Based on the foregoing, it is recommended that this action be dismissed with prejudice, in accordance with Fed. R. Civ. P. 41(b). The Clerk is directed to send this Report and Recommendation to Plaintiff at his last known address. If Plaintiff notifies the court within the time set for filing objections to this Report and Recommendation that he wishes to continue with this case and provides a current address, the Clerk is directed to vacate this Report and Recommendation and return this file to the undersigned for further handling. If, however, no objections are filed, the Clerk shall forward this Report and Recommendation to the district judge for disposition.

(4th Cir. 1984).

¹ Additionally, Plaintiff had previously been warned to keep the court apprised of his address when he attempted to join in with another inmate in a lawsuit. *See* ECF No. 6 in Dewberry and *Covington v. Leso, et al.*, C/A No. 1:24-4889-JFA-SVH. The instant action was docketed as a new case because pro se litigants may not represent each other.

IT IS SO RECOMMENDED.

October 21, 2024
Columbia, South Carolina



Shiva V. Hodges
United States Magistrate Judge

**The parties are directed to note the important information in the attached
“Notice of Right to File Objections to Report and Recommendation.”**

Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); *see* Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

Robin L. Blume, Clerk
United States District Court
901 Richland Street
Columbia, South Carolina 29201

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).